

REMARKS

Claims 1-28 are currently pending in the application. Claims 21 and 23-28 are hereby cancelled. New claims 29-32 are presented for consideration.

Claim 22 stands objected to in paragraph 2 of the Action. Amendment has been made to address the problem identified by the Examiner.

Claims 1-3 and 15-19 stand rejected under 35 U.S.C. § 103 as obvious over U.S. Patent No. 558,014 (Elborne) in view of U.S. Patent No. Des. 378,992 (Dachille). Claim 14 stands rejected under 35 U.S.C. § 103 as obvious over Elborne and Dachille, and further in view of U.S. Patent No. 4,851,061 (Sorkoram). Claim 20 stands rejected under 35 U.S.C. § 103 as obvious over Elborne and Dachille, and further in view of U.S. Patent No. 2,369,988 (Steckler). Claims 4-7, 10-13 and 22 stand rejected under 35 U.S.C. § 103 as obvious over Elborne in view of Dachille, and further in view of U.S. Patent No. 5,128,194 (Sorko-Ram). Claims 8 and 9 stand rejected under 35 U.S.C. § 103 as obvious over Elborne in view of Dachille and Sorko-Ram, and further in view of either of U.S. Patent Nos. 5,702,649 (Taylor) or 2,145,732 (Nickle).

Reconsideration of the rejection of claims 1-20 and 22, and favorable consideration of new claims 29-32 are requested.

Applicant's undersigned attorney wishes to thank Examiner Smith for the courtesies extended him at the interview on February 28, 2006.

During the interview, primarily Elborne and Dachille were discussed. It was noted that it is an objective of the claimed invention to afford a user the ability to view his/her own reflection in conjunction with both the graduations, for taking measurements, and the at

least one of i) a depiction of at least one of a) an animate object; b) an inanimate object; and c) a scene; ii) at least one word; iii) a design; and iv) a logo, in a manner whereby the user has the perception that he/she is integrated with the subject matter of the at least one of i) a depiction of at least one of a) an animate object; b) an inanimate object; and c) a scene; ii) at least one word; iii) a design; and iv) a logo.

For example, with the structure in Fig. 1, the user has the perception that he/she is standing next to a giraffe, a common symbol of height. Using the structure in Fig. 6, the user has the perception that he/she is amongst the dinosaurs in the depicted scene.

Accordingly, the apparatus becomes enticing to young children, while at the same time performing a significant function of measuring dimensions.

To facilitate this aspect of the invention, claim 1 has been amended to identify the front surface as having a first area. The at least one of i) a depiction of at least one of a) an animate object; b) an inanimate object; and c) a scene; ii) at least one word; iii) a design; and iv) a logo is characterized as occupying only a part of the first area, whereby a portion of the first area not occupied by the at least one of i) a depiction of at least one of a) an animate object; b) an inanimate object; and c) a scene; ii) at least one word; iii) a design; and iv) a logo, is available to reflect the users image that can be viewed in conjunction with the at least one of i) a depiction of at least one of a) an animate object; b) an inanimate object; and c) a scene; ii) at least one word; iii) a design; and iv) a logo on the wall.

Elborne teaches nothing more than a rectangular mirror with graduations thereon. There is no teaching or suggestion of any adornment, of the type claimed. Dachille, which discloses a "shoe sizer" is not described as being reflective. Even more significant is the

fact that operation thereof requires that the user step directly upon a design in the manner that a substantial portion thereof is obscured. The claimed concept of viewing graduations and a design in conjunction with the reflection of a user is very different from the concept of taking measurements using a device that requires placement of a foot so as to obscure a large part of the design on the device.

Applicant respectfully submits that given the very distinct manner in which the measurements are taken in Dachille and Elborne, and the differences in the structures therein, the combination of Dachille and Elborne would not be obvious. Even in combination, one would logically make the entire front surface of Elborne's mirror with a design as taught by Dachille, whereby the user does not associate his or her presence with the subject matter of the design, as contemplated by the Applicant's claimed structure. Accordingly, claim 1 is believed allowable.

Claims 2, 3 and 15-19 depend cognately from claim 1 and recite further significant structural detail to further distinguish over the applied art.

In rejecting claim 14, the Examiner relies on Sorkoram. The Examiner refers to two different sections of Sorkoram in making a rejection of this claim. However, while Sorkoram does discuss cutting mirrored thermoplastic surfaces, it appears that the disclosure is limited to the cutting in this manner of a single layer of the thermoplastic material, as opposed to a composite structure, as claimed by the Applicant.

The Examiner relies on Steckler in rejecting claim 20. While Steckler discloses a mounting opening, Steckler does not, alone or in combination with Elborne or Dachille, teach or suggest the combined structure, including the limitations from base claim 1.

Claim 4 has been amended to depend from claim 1.

Claims 5 -13, and 22 each depends directly or indirectly from claim 4, which in turn depends from claim 1. The combination of the secondary references proposed by the Examiner in rejecting these claims does not, alone, or in combination with Elborne and/or Dachille, teach or suggest the structure recited in claim 1.

New claims 29-32 each depends from claim 1 and recites further significant structural detail to further distinguish over the prior art.

Claim 29 incorporates language that has been deleted from claim 1. Applicant submits that Elborne and Dachille do not together teach or suggest the peripheral edge construction as claimed in conjunction with a wall having graduations and the at least one of i) a depiction of at least one of a) an animate object; b) an inanimate object; and c) a scene; ii) at least one word; iii) a design; and iv) a logo. As noted above with respect to claim 1, if one were to make the combination of Elborne and Dachille, which Applicant submits is not obvious to do, one would at best place the ornamentation over the entire surface as in Dachille, which would defeat the inherent function contemplated with the structure in claim 1.

Claim 30 more particularly characterizes the location of the graduations as on that portion not occupied by the at least one of i) a depiction of at least one of a) an animate object; b) an inanimate object; and c) a scene; ii) at least one word; iii) a design; and iv) a logo on the wall.

Claim 31 characterizes the at least one of i) a depiction of at least one of a) an animate object; b) an inanimate object; and c) a scene; ii) at least one word; iii) a design; and iv) a logo on the wall as an animal so that the user has a perception from the front of the apparatus that he/she is standing next to the animal. If one would combine Elborne

and Dachille, one would arrive at a structure wherein the user is superimposed upon the design. There is no suggestion of having a user's image and depiction of an animal in a relationship whereby they can be viewed simultaneously.

Claim 32 characterizes the at least one of i) a depiction of at least one of a) an animate object; b) an inanimate object; and c) a scene; ii) at least one word; iii) a design; and iv) a logo on the wall as at an edge of the portion on the first area so that the at least one of i) a depiction of at least one of a) an animate object; b) an inanimate object; and c) a scene; ii) at least one word; iii) a design; and iv) a logo on the wall frames/edges the portion of the first area that is not occupied by the ornamentation. Combining the teachings of Elborne and Dachille would not motivate one skilled in the art to use the ornamentation as a frame/edge.

Reconsideration of the rejection of claims 1-20 and 22, favorable consideration of new claims 29-32, and an allowance of the case are requested.

Should additional fees be required in connection with this matter, please charge our deposit account No. 23-0785.

Respectfully submitted,

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